

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

FILED
ASHEVILLE, N. C.

SEP 27 2005

SALLIE M. TONEY,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

U.S. DISTRICT COURT
W. DIST. OF N. C.

CIVIL NO. 2:04CV262

ORDER

THIS MATTER is before the Court on Plaintiff's "Motion For Attorney's Fees Under the Equal Access to Justice Act" filed September 15, 2005 (document #14). By "Response..." filed on September 26, 2005, Defendant advises that the Commissioner will not oppose an award of \$1,181.25, provided this is the only petition filed by Plaintiff in this case under 28 U.S.C. §2412(d).

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's "Petition For Attorney's Fees..." (document #14) is **GRANTED**, that is, counsel for Plaintiff shall be paid the sum of \$1,181.25.
2. No additional petition pursuant to 28 U.S.C. §2412(d) shall be filed.
3. The Clerk is directed to serve copies of this order to counsel for the parties.

This 28th day of September, 2005.


DENNIS LEE HOWELL
UNITED STATES MAGISTRATE JUDGE